Revenue (1940) Department

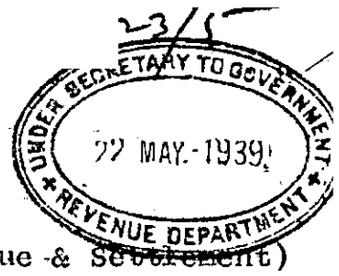
Ms SERIES.

G.O. No. 1803

Dated 27 7-194

[Despatch Abstract.]

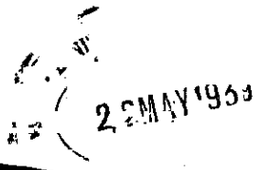
Assessment - Land Revenue - (South Kanara) - Karkal Taluk - Belvai village - S.Nos. 145/1 and 300/1 Reduction - Interference of the District Board with water supply - Petition from Sri Manjunatha Bhagavatha - Orders passed



The Government of Madras,

Ministry of Land Revenue & Settlement)

Madras



Humble memorial of Manjunatha Bhagavatha, s/o Annappa Bhagavatha, residing at Salmar, Karkal village, Karkal Taluk, South Kanara Dist.

Most respectfully sheweth,

That memorialist has been compelled to lay his hard case before the Government, as the authorities concerned have taken a wrong view of the case and left the memorialist in the lurch, without paying any heed to his repeated requests for relief. His case is one deserving of favourable consideration, as may be clear from the following:-

1. The memorialist owns land S.No. 145/1 of Belvai village of Karkal Taluk. It was at settlement assessed at the highest wet rate of assessment, on the ground that it was irrigated by the tanks lying on the other side of the Road No. 5 and that rate of assessment has still been enhanced at resettlement. Not only this. Out of his hosagame land S.No 300/1 in the vicinity, partly improved upon and recently converted into a paddy field and cultivated with a single-crop, the Resettlemen Department measured the portion so improved and ascertained it to be 70 cents out of the total extent of acres 2-46 and fixed the I class wet rate of Rs 7-1-0 per acre in place of the original dry rate of 8 annas per acre, on the assumption that the said portion had the benefit of free flow of water supply from one of the tanks referred to above. The memorialist's predecessor-intitle, Shrinivasa Kamthi, objected to the rate of assessment so raised on the ground that only one crop was being raised and that the land being far distant from the tank in question, could not be irrigated by the said tank This objection petition made to the settlement Tahsildar on

p21 (N) 18-3-35, was rejected by him as out of time, by order C.No 334/35 dated 24-3-35. Next in appeal to the special Assisstant Officer, dated 6-4-35, it was held that " the wet portion in-question is irrigated by direct flow higher up in S.No.149. The notes of inspection show that the water is sufficient for two crops and that the wet portion is similar in all respects to S.No. 140/12 W-I assessed at Rs 6-4-0 (now 7-1-0) an acre. The appellant is careful not to specify in his petition how his land is watered and where he gets the water from. The above details are given so that he may verify them and put in a fresh petition if necessary" With these remarks the appeal was dismissed by order L.Dis 1540/35 dated ~~xx~~ 24-6-35. This matter could not be pushed on further because of the serious illness and consequent death of the predecessor-in title of the memorialist.

2. It is thus clear that apart from the land S.No 145/1 classified as W-I at Rs 6-4-0 at Settlement and at 7-1-0 at re-settlement, basing that rate on the full supply of water from the tank in question, the wet portion of hosagame land S.No. 300/1 viz; 70 cents was assessed at Rs 7-1-0 per acre in lieu of the original rate of 8 annas per acre. What is meant is, that in the case of S.No. 300/1, the original assessment of Rs 1-4-0 has now been raised to Rs 5-13-0 on the mere supposition that the wet portion of 300/1 has the full benefit of the tank water for two crops. This rate of assessment is being levied from 1935 upwards.

dry land S.300/1 which was on that account assessed at Rs 7-1-0 per acre in place of 8 annas per acre by the Resettlement Department just previously. Similarly the Collector and the Sub Collector were also approached by means of petitions dated 14-1-37 and 31-1-37 respectively for relief.

In reference to the petition addressed to the President District Board, a Memo Ref 295/K.L.37 dated 22-1-37 was received from the L.F.Section officer, communicating the view of the President, that as the tank was situated on poramboke land and as the necessity had arisen for widening the road, a portion of the tank was added to the road, that there was no obstruction caused to the flow of water from the tank to his fields and that if necessary the tank could be extended towards the west.

In the case of petitions submitted to the Collector and the Sub Collector, there was no response from the Collector, while the Sub Collector chose to dismiss the petition summarily.

Subsequently finding that in the process of work of widening the road, by tampering with the tank, the sluice at the entrance of the tank happened to be slightly shifted and the culvert underneath which the water used to flow down to the fields on the other side, was somewhat damaged, obstructing free flow of water the predecessor-intitle of the Memorialist applied to the L.F.Section officer on 6-6-37 requesting him to mendmatters, and received an abrupt and evasive reply F.Dis 437/K.L.37 dated 10-6-37 thus:-

" On inspection it is found that the repairs done to the road have not in any way affected either the tank or the culvert. There may be some slush inside which could be probed with a bamboo by the party"

Soon after the above correspondence, the predecessor-in-title of the memorialist, expired in September 1937 and the memorialist got into the possession of the property concerned, and seeing that the action of the Local Fund Department had tended seriously to affect the fields by dearth of mamool water

supply, the memorialist petitioned to the President, District Board on dated 10-9-1938 with his grievences, by enumarating the points relevant to the case as follows:-

(1) The tank is coexistent with the formation of the wurgland S.No. 145/1.

(2) The said wurgland was at settlement classified as I Nanja, on account of this tank water, which is perennial, due to subterranean springs

(3) The tank used to irrigate also a portion (70cents)of hosagame (dry) land S.No. 300/1 which was classed as I Nanja at resettlement in 1935.

4) The tank by the accident of its being incorporated in road poramboke recently, would not alter its aspect. The tank is the only source of irrigation to the aforesaid fields.

(5) The portion of the tank blocked up had main springs underneath.

(6) The blocking of such portion has tended to the diminution of the water supply, so much so that last season, the 2nd crop suffered somewhat and the 3rd crop entirely failed

(7) The suggestion that the tank could be enlarged towards the west, may have been tried, but the expenses would be great and beyond the petitioner's means and it is for the Engineering Department to bear the expence.

(8) The suggestion said to have been made to the effect that the tank was or is a neglected or unused pond, is an afterthought.

(9) The existence of the tank and its utility is made special mention of in the partition deed of 1906 effected in the family of my predecessor-in-title.

(10) Culvert through which the tank water flows to the petitioner's field, is out of order, and free flow of water has been obstructed. This fact was not verified by the Section officer.

neither a bamboo nor a thinner rod could pass through it. some hard stones might be there and not mere slush as opined by the Section Officer. His opinion amounts to partial admission that there was something wrong with the free passage of the sluice. A glance at the culvert would show that there is something wrong with it.

(11) The sluice newly opened at the entrance of the tank has been rendered so small that a proper volume of water would not enter the drain underneath, whereas the sluice at the other end is big enough

(12) The culvert is built of laterite stone and earth and has no uniform level, there being some depression on the line of the culvert.

The above points were advanced and personal inspection was requested for verification of the same. All the same, the present District Board took no notice of it and the matter was lying uncared for.

6. The memorialist who was aware of the apathy of the L.F. Department as learnt by experience, thought it fit to approach the Collector on the subject and addressed petition dated 12-9-38 requesting that on account of the insufficiency of water caused by the action of the L.F. Department, the assessment borne by the fields S.145/1 and portion of S.300/1 (i.e. 70 cents) might be reduced by change of classification. The Collector passed orders that there was no provision to grant the request in his Proceedings L.Dis 6069/38 dated 20-9-38.

sketch of the locality prepared by the Revenue Inspector, a copy of which is enclosed. The Collector and the President and also the section Officer put their heads together and probably decided that the memorialist's grievances were not worth any consideration. Because the Revenue Board passed orders to the effect that they examined the records and find no reason to interfere. So, the appeal to the Board ended in dismissal vide Board's order Routine No. 489 dated 30/1/39. enclosed, and against this order the memorialist is now compelled to approach the Government for redress. The present District Board who had been so long silent with regard to his petition of 10-9-38, woke up and made up his mind to communicate his decision through the Section officer who issued memo Ref C.199/K.L.39 dated 10-3-39 as follows:-

"With reference to his petition dated 10-9-38 to the President District Board.S.K. regarding the closure of the tank at mile 28/3 of Road No.5, in Belvai village, the President has ordered that there is no real grievance for the petitioner.Please note."

8. The Memorialist submits that his case has thus been treated as one of trifling nature by the Local authorities and also by the Board of Revenue who had simply to rely on the opinion of the local officers. The memorialist has now at last to seek justice at the hands of Government who will, he believes, interfere in the matter, and thus save him from the costly civil litigation involving both the Government and the Local Fund Department. He thinks it necessary therefore to reiterate concisely what he has represented above, so that his case may be easily grasped.

9. The memorialist submits that the field S.No. 145/1 is an old Kadim Wurg with Kunaki previleges and in consequence of its unfailing water supply from the tanks situated on Kunaki on the opposite side of the public road, the Settlement Department at the outset fixed the assessment applicable to I Class Wet at Rs 6-4-0 and now at resettlement at Rs 7-1-0 per

acre. This water source is of mamool right as may also be evident from the partition deed of 1906 in respect of the said property. Besides, on account of a portion of S.No. 300/1 acquired on darkhast and improved upon and cultivated witha single paddy crop, the Resettlement Department demarcated it as a separate plot as measuring 70 cents. classified it as W I and raised the assessment of that plot to Rs 4-15-0 in place of the previous annas 6 for that extent on the ground that in their opinion the plot has free flow of water from the tank lying in S.No. 149 for the 2nd crop. This was in 1935. Subsequently towards the end of December 1936, the District Board authorities abruptly began to tamper with the very tank by being partly earthed up for the widening of the road. The tank referred to is the one marked C. in the enclosed sketch. Apart from the reduction in the size of the tank, there was damage/caused to the Culvert across the road, preventing free flow of water through the sluice The result was that the second crop in S.No. 145/1 partly suffered, and with regard to S.No. 300/1 not a drop of water could reach the new wet portion for the 2nd crop. The remonstrations made to the District Board were flouted by them chiefly at the instance of the L.F. Section Officer who devised various means to impress on the minds of his suniriors that the tank was in a neglected condition, that the repairs to the road, did not affect either the tank or the culvert, that the tank is on Road poramboke. that if necessary, the tank could be extended towards the west etc.

of water supply of the tank in question. Here also the memorialist met with disappointment. As a last resource, the memorialist has been compelled to approach the Government, the highest Tribunal, hoping that Government would take up the case and get the locality inspected by a responsible officer unconnected with the District and pass orders in the case and it is only then that the memorialist would be sure of getting justice.

10. The remedy now sought is therefore:-

(a) The extension, i.e. the enlargment of the tank(C) to bring it to the original bed level, by the Local Fund Department who cut off and reduced the capacity of the tank.

Their argument that the tank is lying on road porambok S.No. 149 is not applicable in the present case, because it is Kumaki to the Kadim land, and besides the tank is of prescriptive right of the memorialist and the water of the tank is admittedly the main source of irrigation to the memorialist lands referred to above. The wurgland is over a century old, while the road came in long after it, and so the vested rights and previleges of the Wurgdar cannot be extinguished.

(b) Repairs to the culvert by the L.F. Department at whose instance the damage to the culvert occurred.

the private ones as would be clear from the perusal of the enclosed sketch. The culvert pertaining to the tank at A is now being repaired and the Section Officer when questioned as to why the culvert at C was not overhauled, explains that it is not in their list, while those at A and B do appear in the list This is a queer argument, but all the same, his opinion is regarded by the P.W.D. Department as conclusive, be cause it is in the interests of the Department, to shiftthe burden of repairs on the shoulders of the memorialist.

If the relief sought above were not to be granted, the following relief may be given as an alternative.

(c) The Revenue and Settlement Department may be asked to reduce the classification and assessment of the fields 145/1 and the wet portion of 300/1 by actually getting lands inspect by a disinterested officer whose decision the memorialist is bound to obey.

The memorialist cannot afford to pay an assessment which the land cannot bear, nor would the Government dream of making an unlawful gain.

11. The memoriaist submits that if the Collector had been pleased to make an independent inspection, the case would have assumed a different aspect. He would have then had no influence brought to bear upon him by the President of the District Board and the section officer who is bent upon pleasing his supiriors with an eye to promotion or to be in good graces with them.

12. The memorialist is a poor landholder and it is not fair that he should be driven to the Civil Courts to vindicate his points, involving the District Board who are solely responsible for all these happenings and also impleading the Government for not advising the District Board to mend matters and thereby implying ~~abrtinent~~ *acquiescence* and not giving relief by way of reduction of assessment by reclassification of his lands affected by the shortage of water supply.

partial failure of crop in S.No 145/1 and total failue in respect of the wet portion of S.No /300/ hitherto and has been compelled to bear the loss. But he has now come forward to seek redress, at the hands of Government so that he may be saved from the calamity ~~and~~ as his prayer has been brought to a minimum limit.

14. . The memorialist humbly requests that his prayer as put forward in Para 10 supra may kindly be granted and his necessity to have recourse to litigation may be avoided.

For which act of justice, he shall ever be grateful.

15

Assessment and Revenue - (South Kanara Karkal taluk - Belva village - Certain lands Reduction - Remission from Sri Mangesha Bhagavatha. G 125:38 Revenue (G2E)38-(G) 2.6.38

Report from the RDO ...
for report.

27/5/38

27/5/38

Note: The petition against the RDO's order at (11) ... report may be called for

27/5/38

For order whether a report should be called for

29/5

S.

18-2/6

Karkal taluk

Appl - Loose

R. 2-8-38
R. 2-9-38 } Rebd. 14-9-38
Rebbe 15-5-38

Rem. 4-10-38 Rebbe 7-10-38 Rebd 24-10-38.
Dy. Rem. 20-10-38 (No reply received) Reply Rec'd 21-11-38.
Rem. 2-11-38. Rebbe 16-11-38 Rebd. 15-11-38.

To
the RDO Mangalore ✓
(with reference to the order)

Van

Dpr.'s initials

Date 3-6 1938

Subject.

Assessment- Land revenue - (South Kanara) Karkal taluk- Belvai village- S.Nos. 145/1 and 300/1 - Reduction- Memorial of Sri. K. Manjunatha Bhagavathar- Report submitted

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Refce. F. No. 3143/39-2.

Station Madras., *Dated the* 20th October 1939. 19

From

S.Venkateswaran Esq., I.C.S.,

Secretary,

Board of Revenue.

S.V.Ramamurti Esq., I.C.S., Commr. of Land Rev. and Settlement.

Read the following paper:-

Endorsement from Government, Revenue Dept., No.2962 E/39-1 dated 2nd June 1939.

Reference.

The Board resubmits the memorial of Sri.Manjunatha Bhagavathar with the following report.

2. The memorialist owns R.S.No. 300/1 and 145/ of Belvai village in Karkal taluk. At the resettlement an extent of 70 cents of R.S.No.300/1 was transferred from dry to wet I as it was found to be irrigated by direct flow from a tank higher up in R.S.No.149. The water supply was found sufficient for two crops and the wet

C.F. 31—14,000—7-7-37.

REVENUE **DEPARTMENT.**

CURRENT No. 5-5-89-C

Received 21 OCT 1939 19 *Registered* 23/11/39 19

Subject:

Assessment- Land revenue - (South Kanara) Karkal taluk- Belvai village- S.Nos. 145/1 and 300/1 - Reduction Memorial of Sri. K. Manjunatha Bhagavathar- Report submi

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Refce. F. No. 3143/39-2.

Station Madras. , *Dated the* 20th November 1939. 19

From

S.Venkateswaran Esq., I.C.S.,

Secretary,

Board of Revenue.

To

S.V.Ramamurti Esq., I.C.S., Commr.of Land Rev. and Settlement.

Read the following paper:-

Endorsement from Government, Revenue Dept., No.2962 E/39-1 dated 2nd June 1939

Reference.

The Board resubmits the memorial of Sri.Manjunatha Bhagavathar with the following report.

2. The memorialist owns R.S.No. 300/1 and 145/ of Belvai village in Karkal taluk. At the resettlement an extent of 70 cents of R.S.No.300/1 was transferred from dry to wet I as it was found to be irrigated by direct flow from a tank higher up in R.S.No.149. The water supply was found sufficient for two crops and the wet portion

portion was found on inspection to be similar in all respects to R.S.No.140/12 (wet I) assessed at Rs.6-4-0 (now Rs. 7-1-0) an acre. The memorialist preferred an appeal to the Special Asst. Settlement Officer in charge of No.III Party requesting the reduction of the area reclassified as wet and its classification from I to III and the appeal was dismissed. R.S.No.145/ was classed as I wet at the last settlement and this classification was left undisturbed at resettlement. The memorialist approached the Collector for the revision of the classification of both the lands and the Collector refused to interfere. The memorialist appealed to the Board against that order.

3. In his appeal to the Board he stated that the tank in R.S.No.149 which is the main source of irrigation for his field had been interfered with by the Local Fund Department which took up a portion of it for widening the road, that the culvert underneath which the tank water flowed to his fields was also damaged with the result that there was no free flow of water and and that consequently the second crop in R.S.No.145/1 suffered seriously and second crop cultivation in R.S.No.300/1 could not be attempted the previous year. He therefore requested

(a) reduction of the classification of R.S. 145/1 and R.S. No.300/1 part from wet I to II and (b) remeasurement of the portion of R.S.No.300/1 transferred to wet. The Board examined the records of the case and found no reason to interfere on behalf of the petitioner.

4. The present memorial is against the orders of the Board of Revenue. In it the memorialist prays for (a) the enlargement of the tank in R.S.No.149 by the Local Fund Dept., to bring it to its original bed level and

took up a portion of the tank which irrigates his wet lands R.S.No.145/1 and part of R.S.No.300/1 for widening the road, he has not been able to raise a second crop in these fields. From the enclosed sketch showing the memorialist's lands R.S.No.145/1 and part of 300/1 and the tanks and irrigation channels referred to by the memorialist it will be seen that R.S.No.145/1 which is double crop wet land on the ground and part of R.S. No. 300/1 are irrigated by a stream coming down from the north, supplemented by the three tanks marked A, B and C in the sketch.

5. The Collector (Mr. M.V.Vellodi) who inspected the memorialist's wet lands and their sources of irrigation has reported that R.S.No.145/1 has always been a double crop wet land, that a second crop was raised in R.S.No.300/1 last year and the year before, that it is up to the memorialist to repair the tank and also the pipe leading from the tank to the channel on the other side of the road and that the memorialist who is a cloth merchant at Karkal does not interest himself sufficiently in cultivation. The Collector states also that he is not satisfied with the reason given by the memorialist for the failure to raise a second crop this year, and that the allegation that the cultivation of the second crop suffered by the action of the Local Fund Dept, is not true.

6. In view of the Collector's report, the Board submits that the memorial does not deserve any consideration.

for Secretary. 22.11.39

To the Secretary to the Government, Revenue Dept.

with enclosures as per list and a sketch and the memorial and its enclosures returned.

J.E.G./21.11.

No. 47 Kanthavara.

Eye sketch

District - South Kanara

Taluk - Karkal

N

136

146/2

90

100

400

146

353

476

376

300

A

268

E

149

827

435

E

145

905

183/1

B

C

40

26

26

184

M

907

455

E

145

186

150

E

146

211

392

E

564

552

257

D

247

300

300/1

245

705

300/2

(800)

806

340

790

450

330

212

183/1

1152

441

Belvai

Index.

Survey no. & Subdivision		Kadim & Hosa	No and name of Pattadar	Description of land	Remarks.
145	1	Geni	34 Minors Chandraraja, Sarasamma, Uvvaraja, gardian Ananthathi	I W.	Now in the enjoyment of Manjunatha Bhagavathar.
	2	Geni		III W.	
300	1	Hosa.	48 Shrinivasa Kamthi.	Dry	- Do -
	2	Hosa.	62 Devappa Kamthi.	Dry	
330	-	Hosa.	Do -	Dry	
7		Kadim	31 Sri Venkatramana Deva.	Dry	
183	1	A. W		Dry	Assessed waste.
144	1	Kadim	174 Chenna Basappa Sanyasi	I W.	
146	-	Hosa	48 Shrinivasa Kamthi	G.	Now in the enjoyment of Manjunatha Bhagavatha.
149	-	Por.	L. F. road.		
184	-	A. W.		Dry.	Assessed waste.

A. B. C. Tanks irrigating petitioner's lands in S. no. 145/1

The tank 'C' is 40 links long, 25 links wide and 15 links ~~wide~~ deep.

D Portion of S. no. 300/1 converted into I class wet at the rate of Rs 7-1-0 per acre.

The extent of the 'D' portion is 70 cents.

E is the water channel through which water flows to S. no. 300/1 ('D' portion)

= = = = Mangalore Karkal L. F. road.

S. No. 300/1 is in a lower level (about 5 feet) than S. no. 145/1

2364 Ref No. -nil-

List of records. Sent with Bdr. ref. 7 3143/39 20.IX.39

1. Dry classification register No.48 Belvai village. (4)
2. Notice petition file -do- (N)
3. Huzur L.Dis. 6069/38 dated 20-9-38. (2)

22.11

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Rev. Dept.

Memo No. 2962 E/39-3 dated 6-12-39.

Assessment - Land Revenue - (South Kanara) - Karkal taluk - Belvai village - S. Nos. 145/1, and 300/1 Reduction Memorial of Sri. Manjunatha Bhagavathi/ - from the Board of Rev Rep/ R. No. 3143/39-2, dated 20.11.3

In his petition Dated 12.5.39 quoted above Sri. Manjunatha Bhagavathi has complained that the Dt. Board has by widening the road in S. No. 149 of Belvai village ~~interfered~~ interfered with one of the ponds from which he is to irrigate his lands and has blocked up one culvert and that other culverts are in need of repairs which the Dt. Board is not willing to carry out The petitioner has represented that on account of the damage done to the culvert through which water flowed to his fields there has been no free flow of water through the culvert and that consequently the second crop in S. No. 145/1 partly suffered

and that he has not been able to raise a second crop in S. No. 300/1. In para 5 of the Board's Ref^ce quoted above the Coll^r is said to have reported, after personal inspection of the petitioner's lands and their sources of irrigation, that R. S. No. 145/1 has always been a double crop wet land, ~~and~~ that a second crop was raised in R. S. No. 300/1 last year and the year before, that the ~~Dt. Board~~ allegation that the cultivation of the second crop suffered by the action of the L. F. Dept. is not true and that it is up to the petitioner to repair the tank and the pipe leading from the tank to the channel on the other side of the road. It has not been reported whether the two crops on raised on the petitioner's lands were successful, and why it is the responsibility of the petitioner to repair the tank and the pipe leading from it. The specific complaints of the petitioner have ~~abo~~ not been answered The Board is accordingly requested to submit a more detailed report dealing with all the

p 3 N.F.

whether there was any diffic in getting water to the petr lands through the action of LF deptt

To the Board of Revenue

(with the petition at ~~pp~~ & its encls at pp 1-13 cf. the sketch at a/f of the list at p23 cf. p24 cf/L & encls as per list at p25 cf.)

DJS with Encls
by hand
8/12/35.

Contentions of the petitioner fully.

4.12.35

6.12.35

6/12

C.F. 31—17,006—9-2-37.

REVENUE DEPARTMENT.

CURRENT No. 8 5 8 E

Received 5- APR 1940 19 *Registered* 5.4.40 19

ASSISTANT SECRETARY TO GOVERNMENT REVENUE DEPARTMENT

Subject.

Assessment - Land revenue - (South Kanara) - Karkal taluk Belvai (v) - S.Nos.145/1 and 300/1 - Reduction - Memorial from Sri Manjunatha Bhagavatha - Further report - Called for.

Refce. F. No.3143/39-4.

Station Madras, *Dated the* 4th April 1940.

From

R.A.Gopalaswami Esq., I.C.S.,
Joint Secretary,
Board of Revenue.

Tour

Submitted for perusal. In view of this interim report, it is for orders whether the R.D. may be reminded next on 6.5.40

5.4.40

C.A.Henderson, Esq., C.S.I.,V.D., I.C.S.,
Commissioner of Land Revenue and Irrigation.

Read the following papers:-

I.

Endorsement from the Government, Revenue Department, No.2962 E/39-1 dated the 2nd June 1939.

II.

Letter from M.V.Subrahmanyam Esq.,M.A., I.C.S;, Collector of South Kanara, D.Dis.No.91/40, dated the 20th March 1940.

Reference.

x

2. The Board submits that the Collector has been asked to inspect the lands himself and submit a further report.

To the Collector of South Kanara, Para. 1,
with the memorial in original.

Secretary to the Government, Revenue Department, para. 2.

for Joint Secretary

Revenue DEPARTMENT. C.F. 31—12,006—28-11-39.

CURRENT No. 1408-E

Received 25 JUN 1940 *Registered* 19

Subject.

Assessment - Land Revenue (South Kanara) Karkal taluk - Belvai village - S.Nos. 145/1 and 300/1 - Reduction- Memorial from Sri Manjunatha Bhagavatha - Further report submitted.

Reference No. F. 3143/39-3

Station Madras, *Dated the* 29th June 19 40

From

R.A.Gopalaswami Esq., I.C.S.,

Jt.Secretary,

Board of Revenue.

C.A.Henderson Esq., C.S.I., V.D., I.C.S.,
Commissioner of Land Revenue & Irrigation.

Read the following:-

Memorandum from Government, Revenue department No. 2962-E/39-3 dated 6th December 1939.

II.

Letter from M.V.Subramanyam Esq., M.A., I.C.S., Collector of South Kanara No.D.Dis. 91/40 dated 20th March 1940.

III.

Letter from Sri Rao Bahadur V.Ponnuswami Pillai, Collector of South Kanara No. D.Dis. 2527/40 dated 6th June 1940.

Reference

In the Government Memo. quoted above, it is pointed out that information has not been furnished on the following points:

(i) whether the two crops raised on the petitioner's lands were successful,

(ii) whether there was any difficulty in getting water to his lands through the action of the Local Fund departmen and (iii) why it is the responsibility of the petitioner to repair the tank and the pipe leading from it.

2. As there was some variation between the reports of the two previous Collectors (Sri M.V.Vellodi and M.V. Subramaniam) the present Collector (Sri V. Ponnuswami Pillai) was requested to inspect the tank and the lands in question. He has sent up a report after personal inspection and the points raised in the Government memo are dealt with below:

(i) The first crop raised in R.S.Nos. 145/1 and 300/1 was successful. The second crop in R.S.Nos. 145/1 was also successful but in R.S.No. 300-1 the second crop raised only on an extent of 25 cents was a failure. At the time of the Collector's inspection there was a third crop in R.S. No. 145/1 which he found in a very good condition but R.S.No. 300-1 was waste.

(ii) The Collector states that the width of the tank has no doubt been reduced in the process of widening the road but that it has not materially affected the irrigation from it as the tank has a very good spring. He considers it impossible to restore the tank to its width without narrowing the road which, in view of the heavy traffic on it, is objectionable but he points out that there is no need for such restoration as there will be no appreciable diminution of supply to the petitioner's lands. He, however, thinks that there seems to be some truth in the petitioner's contention that while widening the road the sluice leading from the tank was not properly rebuilt and that consequently water does not flow freely. He considers it probable that the gradual sinking of the road on account of the heavy traffic might have contributed to the blocking up of the tunnel. While thus the action of the Local Fund authorities in

widening

widening the road has not materially decreased the supply, it seems probable that they failed to rebuild the sluice properly and that the failure has caused difficulty in the free flow of water from the tank.

(iii) As stated above, there is no need to repair the tank but the pipe leading from it (sluice) should be rebuilt. In the circumstances now reported the Board submits that this has to be done not by the petitioner but by the District Board ~~Fund~~ Collector states that it will not cost the District Board much to cut open the road, examine the pipe and rebuild it properly.

for Jt. Secretary.

To the Secretary to Government, Revenue department
with the memorial and its enclosures with records
and records as per list.

P 37 upto

Letter from M.V.Subrahmanyam Esq., M-A., I.C.S., Collector of South Kanara. No. D.Dis. 91/40 dated 20-3-40.-

Assessment - Land (South Kanara) - Karkal taluk - Belvoi village - S.Nos. 145/1 and 300/1 - Reduction of- Memorial of Sri Manjunath Bhagavatha - Further report- submitted.

Board's Reference No. F. 3143-39-3, dated 14-12-1939.

The specific complaint of the petitioner is that the Local Fund Department reduced the size of the tank C and damaged the culvert in the process of widening the road at the place and that this action has tended to diminish the water supply and made the 2nd crop in his lands -- suffer somewhat and the 3rd crop fail entirely in the season of 1938. His prayer therefore is either to ask the District Board to enlarge the tank so as to bring it to the original bed level and to repair the culvert or in the alternative to reduce the classification and assessment of his field S.No. 145/1 and the wet portion of S.No.300/1

2. Both the Tahsildar and the Revenue Divisional -- Officer have made detailed enquiry and inspected the land It is a fact that the road at this place was broadened and repaired by the District Board, in about 1936 and while doing so a portion of the tank C situated in the road poramboke S.No. 149 was added on to the road and a sloping masonry embankment was built to protect the side of the road. The sluice or channel leading from the tank was also protected by stone.covering and left intact through the bottom of the road as before. There is no regular culvert over the sluice or channel from the tank C like the road culverts maintained by the Local Fund Department over the channels from the tahks A & B which are also irrigating the petitioner's fields in S.No. 145/1.

3. The Tahsildar during his inspection on 19th January 1940 made in the presence of the petitioner and the Local Fund Section Officer found that the water of the tank C was flowing through the channel and that there was no obstruc-

tion

obstruction to the flow of water. He also found that the 2nd rice crop in the petitioner's field S.No. 145/1 was in excellent condition. He however found that in S.No. 300/1 2nd rice crop was raised only to an extent of about 25 cents and that it was in a poor condition as water from the tank C, which actually reaches the wet portion marked D in S.No. 300/1 through the southern end of S.No. 145/1 is held up in S.No. 145/1 and is only let out to the plot D at intervals of about twice a week for want of sufficient supply for constant irrigation. The Tahsildar also found on enquiry that last year also, only a portion of the plot marked D in S.No. 300/1 was cultivated with 2nd crop and that the crop was a failure. The Revenue Divisional officer who first inspected the land in the 1st week of this month found that even the III rice crop was raised in S.No. 145/1 with the assistance of the direct flow of water. From the Revenue Divisional Officer's report, however, it was clear that the District Board took up a portion of the tank C for the extension of the road and also interfered with the channel for leading water from the tank to the other side of the road, I asked the Revenue Divisional Officer to report the exact extent by which the tank will have to be widened now to restore the old extent and the exact manner in which and the extent to which the sluice was interfered with during the road widening. The Revenue Divisional officer who has again inspected the land says that it is not possible to state definitely what the original dimensions and extent of the tank were and that there are also no records in the section office to indicate this. He however found slight traces of the old parapet wall and has estimated with the aid of this, that the tank which is now 21' 2" long and 22' 9" broad was between 26 to 28 ft long, the breadth being the same, prior to the widening of the road. He thinks that it will not be possible to restore the tank to its original length as the breadth of the road will be considerably lessened and its -- utility thereby greatly impaired, and that all that now can be done is to improve the tank as it now stands by deeping it. As regards the sluice, the Revenue Divisional Officer says that

it should be considered rather narrow as it is only 1' 4" x 1', that a stone piece has come down and is blocking the passage to some extent near its eastern end and that it is necessary to rebuild the sluice. Seeing that there has been unwarranted interference by the District Board on poramboke land and with irrigation facilities pertaining to private property, the latter in such a manner as to give room for legitimate complaint against the Government in regard to the restoration of the old facilities, I think that the petitioner is entitled to insist on the District Board making restitution as claimed by him. I however think that the petitioner should be satisfied, if the District Board repairs the existing tank by deepening it and rebuilds the sluice at its cost. The Revenue Divisional Officer thinks that the petitioner can be induced not to press his contention for the restoration of the tank to its original size &c. if the present tank is improved and the sluice rebuilt.

4. The connected records are enclosed.

*1. Dry Reclassification Register of No. 40 Belvoi village
2. Notice petition file -do-
3. Huzur L.Dis. 6069/38.

Letter from Sri Rao Bahadur V.Ponnuswami Pillai, Collector of South Kanara No. D.Dis. 2527/40 dated 6th June 1940.-

Assessment- Land -(South Kanara) -Karkal taluk- Belvoi village -S.Nos. 145/1 and 300/1 -Reduction- Memorial of Sri Manjunath Bhagavatha -Further report- sent.

Board's Refce. F. 3143/39-4, dated 4-4-40.

I inspected the place on 22-4-40 in the presence of the petitioner.

2. My enquiry shows that the 1st crop raised in S.Nos. 145/1 and 300/1 last year and the year before was -- successful.

successful. The petitioner also admits this. There was a third crop in S.No. 145/1 during my inspection and it was in very good condition. S.No. 300/1 was waste.

3. As already reported by my predecessor in his letter D.Dis: 91/40 dated 20-3-40 the petitioner's main grievance is that while widening the Mudabidri- Karkal road, the District Blard has taken up a portion of the tank marked "C" in the sketch from which he has been irrigating the two sub divisions, 145/1 and 300/1 with the result that the capacity of the tank has been reduced with the consequent diminution of suplly for irrigation. His second grievance is that while widening the road the sluice leading from the tank was not properly rebuilt and that consequently water does not flow freely.

4. There is no doubt that the width of the tank has been reduced in the process of widening the road. I do not, however, think that this has materially affected the irrigation under it. The tank has a very good spring and there will therefore be no diminution of supply to any appreciable extent. The road at this place was very narrow and it had to be widened in view of the heavy traffic on it. It is, therefore, not possible to restore the tank to its original width without ~~considerably~~ reducing the width of the road. There is also no need to do so in view of the fact that there will be no appreciable diminution of supply.

5. There seems to be some truth in the other contention as it is probable that owing to the sinking of the road on account of heavy traffic the tunnel is blocked up. I therefore, agree with my predecessor that the petitioner has a real grievance and that he is entitled to insist on the District Board rebuilding it. It will not cost the District Board much to cut open the road and examine the tunnel and rebuild it properly.

6. Before submitting this reply, I wished to see the connected file of the District Board Office and also the notes of inspection of the President, Distruct Board. The President, District Board, who was requested to send them for reference has sent only a copy of his notes of inspection (enclosed) but not any other relevant file.

7. The memorial with its enclosures is resubmitted.

C No. 2962 E/38.

Assessment - Land Revenue - (South Kanara) Karkal taluk Belvai village - S. Nos 145/1 and 300/1, Reduction Petition Memorial

fp 1-13 c.f. From Sri. K. Manjunatha Bhagavathar Memorial d 12.5.38,

fp 15 c.f. (Encl to the Board's Rev. No. 2962 E/38-1, d 2.6.38)

fp 17-23 c.f. From the Board of Rev. Ref. No. 3143/38-2, dated 20.11.38

To U.S

The case relates to memorial from Sri. Manjunatha Bhagavathar of Karkal village in the South Kanara district in the matter of irrigation of S. Nos. 145/1 and 300/1 of Belvai village belonging to him. The facts of the case are briefly stated in the Board's Reflee at fp 17-19 c.f. A Sketch showing the lands owned by the memorialist, the tanks and irriga channels referred to by him in his memorial and the adjacent lands is at p 21 c.f. In its Reflee at fp 17-19 c.f. the Board has fully dealt with the contentions and requests of the memorialist.

2. The memorialist has contended that as the L.D. Dept. took up/a portion of the tank for widening the road which irrigates his lands ~~for widening the road~~ he has not been able to raise a second crop in this lands. The Board has reported

that the lands are irrigated by a stream which is supplemented by the three tanks marked A B & C in the Sketch at p 21 cf. The Coll^r is said to have reported, after personal inspection that S.No. 145/1 has always been a double crop wet land, that a second crop was raised in R.S.No. 300/1 last year and the year before, that the allegation of the memorialist that the cultivation of the second crop suffered by the action of the L.A. Dept. is not true and that it is up to the memorialist to repair the tank and the pipe leading from the tank to the channel on the other side of the road In the circumstances reported the Board's view that the memorial does not deserve any consideration may be agreed to and the memorial may be rejected.

3. It would appear that the memorialist intends to go to Court if this prayer is not granted. He has ~~accordingly~~ requested that this prayer may be granted and the necessity for litigation may be avoided. If ~~the~~ ~~prayer~~ of his request cannot be complied with he may be left to file a suit if he is so advised

4. A draft order is submitted for approval. L.A.D. may see before issue

para 6 ✕

para 5

p. 7 cf.

para 5 at p 13

✕ p. 4 cf

The usual threat! para 8 at p 6 cf + para 14 at p 10 cf

27.11.85

29/11/85

There is evidently a long standing grievance. The petr. & his predecessor have been very agitated in this matter without success. The petr. claims that his lands are over-assessed that the Dr. Bd have interfered with one of the ponds from which he is supposed to irrigate & have blocked up one of the culverts: these culverts are in need of repairs which the Dr. Bd will not carry out. The Collr's report is rather sketchy. He says the fields were cultivated with the crops but he does not say whether they were successful. He says finally that the Dr. Bd. are not responsible for the petr's difficulties but does not answer the specific complaint of the petr. He reports that it is up to the petr. to repair the ponds & the pipe leading from the pond to the channel but does not say why this is the responsibility of the ryot. For a case where there is clearly a strong sense of grievance I do not think the reply of the local officer is sufficiently detailed to be accepted. For orders if we may call for a more detailed reply with enclosures.

DLW.
1/12.

Yr. pleasure

A1.

1/12/39

To U.S.

A draft memo is submitted for approval

4.12.39.

4.12.39

Issued as O.M. No. 2962 E 38-39 dt 23.

From the Bd Rev. Ref. No. 3143-38-5 dt 20.6.40

T.O.W.S.

Please see

(1) the Bd's Refce at pp 17-18 c.f.,

(2) Secy's notes at p 3 ante,

(3) the memo of the Bd at pp 24-26 c.f.,

and, (4) the Bd's Refce at pp 28-36 c.f.

2. The Collr has inspected the place in the presence of the petnr & has reported that the width of the tank C in the sketch at p 21 c.f. has been reduced in the process of widening the road but that it has not materially affected the irrigation from it as the tank has a very good storage. It is also reported that while constructing the road, the sluice leading from the tank was damaged. The restoration of the tank to its original size is considered impossible & also unnecessary. The Board states that the pipe leading from the sluice should be rebuilt at the cost of the Dt Board & that it will not cost the Dt Bd much. It has not however been reported whether the repairing of the pipe alone will satisfy the petnr. The Collr has reported that the petnr can be induced not to press his contention for the restoration of the tank

Nos 24-26 c.f.

Nos 29-34 c.f.

Para 2(ii) - p 30 c.f. & p 36 c.f.

Vide sketch at p 21 c.f.

Para 2(iii) - p 31 c.f.

(24)

At p 35 c.f.

not

(repairs of a sluice)

to its original size if the present tank is improved & the sluice rebuilt. In view however of the later report of the Collr that the reduction of the width of the tank has not materially affected the irrigation under it, that the tank has a very good spring & that there will be no diminution of supply to any appreciable extent, it is for orders whether the Govt will agree with the Collr & the Bd that it will be enough if the pipe leading from the sluice is repaired at the cost of the Bd. The services of the D.A.D. may be invited.

p 3 bef

For the Condition of crops in the two Survey fields please para 2 (i) of the Board's report at p 30 CF

The widening of the road does not appear to have affected the value of the tank at (C) as an irrigation source but the sluice pipeway seem to have been damaged. The Dt Bd may be asked to examine them. Tin need not be bothered.

30 + 1 Wet Non Duty

3/7/40

Rev 40 29622/39-4
8.7.40.

SECRETARY TO GOVERNMENT
-8- JUL 1940
LOCAL ADMINISTRATION DEPT.

This Dept may agree with remarks of the Revenue Authorities (iii) that this work should be carried out ante repair the sluice & spillway.

The file may be returned to Rev.

13/7 13/7

Rev 21810

17/7

Rev Debt

L.A.U.O. 21810-1-C
18.7.40

Tour.

Please see the notes from Rev ante. A draft order is submitted for approval for orders as to circulation to A.D. Rev Debt. Rev have not asked for circulation to Tr.

22/7/40

The draft may issue

25/7

26/7/40

Rev 15406
18 JUL 1940
REVENUE DEPARTMENT

25/7

266

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	27/7	
When copied ..	27/7	
When examined ..		
When signed ..		
When despatched.		

SUBJECT :— Guchi: pulvar Dispute

Read again _____, dated _____ 19____

" " _____ " _____ 19____

Read *also* :—

No. 2962E/39 From the Sri Mangesmatha Bhalavathia, Memorial No. _____; dated 12.5.1939 p1 cf

" _____ " Asst Supdt of Rev. Retd " 3143-39.2 " 20.11.1939 p17 cf

" _____ " _____ " Retd " 3143-39.5 " 20.6.1940. p29 cf

Order ~~Resolution~~ Ms. No. 1803 dated 27.7.40 19____

In his memorial read above, Sri Mangesmatha Bhalavathia residing in Kaskal village, Kaskal taluk, South Kanara Dt., has complained that the DB Board, South Kanara, has by widening the road in Sr#-4a of Belmai village, Kaskal taluk, interfered with one of the ponds from which he has to irrigate his lands in Sr# 145/1 & 300/1 of Belmai village & has blocked up one culvert & that other culverts are in need of repairs. The memorialist has also represented that on

account of the damage done to one of the culverts through which water flowed to his fields, there has been no free flow of water through the culvert & that consequently the second crop in S.No. 145/1 ~~partly~~ suffered to some extent that he has not been able to raise a second crop in R.S.No. 300/1. The memorial has been examined in consultation with the Sub Asst. Engr. of the memorialists' lands were also inspected by two Officers of the P.W.D.

2. It is reported after inspection, that the reduction of the size of the tank in the process of widening the road complained of by the memorialist has not materially affected the supply of water in it, as the tank has a very good spring. The Board do not therefore consider it necessary that the tank be restored to its original size. It is however reported that the sluice leading from the tank was damaged to a certain extent while in widening the road & that this has affected the free flow of

p7 of

Rec 4.4.47 30 cf

Para 2(iii) p30 cf

Ltr. 6 of F.

Para 2(iii) p30 cf

account of the damage done to
one of the culverts through which p7 cf
water flowed to his fields, there
has been no free flow of water
through the culvert & that consequently
the second crop in S.No. 145/1 ~~partly~~
suffered to some extent that he has not been
able to raise a second crop in
R.S.No. 300/1. The memorial has
been examined in consultation
with the Bdo who & the memorialists'
lands were also inspected by two Rec 1.2.197 3rd cf
Cadres of the Dt

2. It is reported after
inspection, that the reduction Para 2(ii) p30
of the size of the tank in the
process of widening the road
complained of by the memorialist
has not materially affected
the ~~supply~~ supply of water in it as the tank
has a very good spring. The
Board do not therefore consider Lt 5-6 pcf
it necessary to ~~restore~~ restore the tank old to restored
to its original ~~size~~ size. It is however
reported that the sluice leading Para 2 (iii) p30
from the tank was damaged
to a certain extent while in
widening the road & that this

account of the damage done to one of the culverts through which water flowed to his fields, there has been no free flow of water through the culvert & that consequently the second crop in S.No. 145/1 ~~partly~~ suffered to some extent that he has not been able to raise a second crop in R.S.No. 300/1. The memorial has been examined in consultation with the Bd. offrs. & the memorialist's lands were also inspected by two Offrs of the Dt. — p7 cf — Rec 1.1.147 - 30 cf

2. It is reported after inspection, that the reduction of the size of the tank in the process of widening the road complained of by the memorialist has not materially affected the ~~supply of water in~~ it as the tank has a very good spring. The Govt do not therefore consider it necessary ~~to restore~~ that the tank should be restored to its original size ~~width~~. It is however reported that the sluice leading from the tank was damaged to a certain extent while in widening the road & that this has affected the free flow of — Para 2 (ii) p30 cf — M.S. 6 cf. — Para 2 (ii) p30 cf

water. The P.D.B. South Kanara is accordingly requested to take steps to rebuild the sluice so as to ensure a free flow of water from the tank

To

Sri Mangunatha Bhagavatha
S/o Annappa Bhagavatha
Residing at Salma
Karkal Vga Tk.
S. Kanara

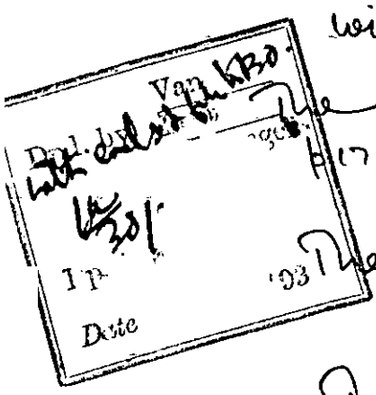
with p 1 enc.

The Sec of Rev. with p 17 C/f records as per list

The P.D.B. South
Kanara, Utra LAD.

The L.A. Deptt.

Yours



F.Section,

List of records submitted to the Government with Board's Refce. No.F. 3143/39-5 dated 20th June 1940.

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1. Dry Reclassification Register of No.40 Belvoi village.
2. Notice petition file -do-
3. H[illegible]. Collector's L.Dis. 6069/38.

Sectt. II-74—20,006—6.

C. No. 29bxE/39 Department.

List of records put up.

Number.	Date.	Department.	Signature of Clerk putting up the paper.	Signature of Clerk removing the paper.
Dog clamps Rep 1948 Behind-Use White this file — Turns Less Code - 28/7/39				